

## To the Honorable Council City of Norfolk, Virginia

April 12, 2016

George M. Homewood, AICP, CFM, Planning Director

Subject: Special Exceptions to operate an Eating and Drinking Establishment at 1081 N.

Military Highway - Noodles & Company

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:

Marcus D. Jones, City Manager

**Item Number:** 

R-8

Staff Recommendation: Approval. I.

- **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**. 11.
- III. **Request:** Special Exception to operate an Eating and Drinking Establishment.
- IV. **Applicant:** Noodles & Company

#### ٧. **Description:**

- The applicant for this special exception request is the future tenant (Noodles & Company) of an end suite (suite number not yet established) in a three-suite commercial building proposed for the Lowe's site outparcel.
- This special exception would allow the establishment to serve alcoholic beverages for onpremises consumption.

#### VI. **Historic Resources Impacts**

The site is not located within a federal, state, or local historic district.

#### VII. **Public Schools Impacts**

The site is located within the Ingleside Elementary School, Lake Taylor Middle School, and Lake Taylor High School attendance zones.

	Proposed
	(Noodles & Company)
	10:30 a.m. to 9:00 p.m., Monday through Thursday
Hours of Operation and for	10:30 a.m. to 10:00 p.m. Friday
the Sale of Alcohol	11:00 a.m. to 10:00 p.m. Saturday
	11:00 a.m. to 9:00 p.m. Sunday
	72 seats indoors
Capacity	24 seats outdoors
	133 total capacity

Staff point of contact: Sarah Richards at 664-7470 or <a href="mailto:sarah.richards@norfolk.gov">sarah.richards@norfolk.gov</a>

## Attachments:

- Staff Report to CPC dated March 24, 2016 with attachments
- Proponents and Opponents
- Ordinances



## Planning Commission Public Hearing: March 24, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Sarah G. Richards 56R

Staff Report	Item No. 10	
Address	1081 N. Military High	way
Applicant	Noodles & Company,	Inc.
Request	Special Exception	Eating and drinking establishment
Property Owner	Greg Lyon	
	Building/Suite Area	7,770 sq. ft./2,550 sq. ft.
	Future Land Use Map	Commercial
Site Characteristics	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Poplar Hall
	Character District	Suburban
	North	C-2: Sonic Drive-in
Surrounding Area	East	C-3: JANAF Shopping Center
	South	C-2: USCIS Norfolk Field Office; strip commercial
	West	I-2: Lowe's Home Improvement



### A. Summary of Request

- The applicant for this special exception request is the future tenant (Noodles & Company)
  of an end suite (suite number not yet established) in a three-suite commercial building
  proposed for the Lowe's site outparcel.
- This special exception would allow the establishment to serve alcoholic beverages for onpremises consumption.

#### **B.** Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

#### C. Zoning Analysis

- i. General
  - The site is located in the C-2 District, which permits the proposed use by special exception.

	Proposed
	(Noodles & Company)
	10:30 a.m. to 9:00 p.m., Monday through Thursday
Hours of Operation and for	10:30 a.m. to 10:00 p.m. Friday
the Sale of Alcohol	11:00 a.m. to 10:00 p.m. Saturday
	11:00 a.m. to 9:00 p.m. Sunday
	72 seats indoors
Capacity	24 seats outdoors
	133 total capacity

#### ii. Parking

- The proposed eating and drinking establishment requires 17 parking spaces.
- 53 parking spaces, including three handicap-accessible spaces, will be provided by the proposed development to accommodate the new three-suite commercial building.
- Proposed parking is sufficient to accommodate the proposed use.

#### iii. Flood Zone

The property is located in Flood Zone X, which is a low-risk flood zone.

#### D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this proposed restaurant will generate 348 new vehicle trips per day.
- Military Highway near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.

- The site is near transit service with Hampton Roads Transit bus routes 15 (Military) and 23 (Princess Anne) operating near the site.
- Military Highway adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

#### E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

#### F. Public Schools Impacts

The site is located within the Ingleside Elementary School, Lake Taylor Middle School, and Lake Taylor High School attendance zones.

#### G. Environmental Impacts

The proposed building will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping, vehicular circulation, and stormwater improvements.

#### H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative impact on the surrounding neighborhood.
- There have been multiple calls for service to the Lowe's shopping center, and six arrests.

#### I. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### J. Civic League

The application was sent to the Poplar Hall Civic League on February 10.

#### K. Communication Outreach/Notification

- Legal notice was posted on the property on February 16.
- Letters were mailed to all property owners within 300 feet of the property on March 11.

#### L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours for the sale of alcoholic beverages shall be from 10:30 p.m. to 9:00 p.m., Monday through Thursday, 10:30 a.m. to 10:00 p.m. Friday, 11:00 a.m. to 10:00 p.m. Saturday, and 11:00 a.m. to 9 p.m. Sunday.
- (b) The seating for the establishment shall not exceed 72 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 133 people.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the

Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (I) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

#### Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Poplar Hall Civic League

## **Proponents and Opponents**

## **Proponents**

Steve Stritzl 717 Kerri Court Chesapeake, VA 23320

## **Opponents**

None

03/22/2016 lds

Form and Correctness Approved

Office of the City Attorney

Contents Approved:

By DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "NOODLES & COMPANY" ON PROPERTY LOCATED AT 1081 NORTH MILITARY HIGHWAY.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Noodles & Company, Inc. authorizing the operation of an eating and drinking establishment named "Noodles & Company" on property located at 1081 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 114 feet, more or less, along the western line of North Military Highway beginning 375 feet, more or less, from the northern line of Meridian Lane and extending northwardly; premises now or formerly numbered 1081 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages shall be limited to 10:30 a.m. until 9:00 p.m. Monday through Thursday, 10:30 a.m. until 10:00 p.m. on Friday, 11:00 a.m. until 10:00 p.m. on Saturday, and 11:00 a.m. until 9:00 p.m. on Sunday.
- (b) The seating for the establishment shall not exceed 72 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 133 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the

Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- The business authorized by this special exception (i) be conducted in accordance with the Description of Operations set forth in "Exhibit A," The representations made in attached hereto. "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of

this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (1) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the

- property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- be development will proposed and (d) use constructed, arranged and operated so as not to of with the use development and interfere accordance with the in neighboring property applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (4 pages)



## EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date 12.11.15		
Trade name of business Noodles & Company		
Address of business 1081 North Military Highway No	orfolk, Virginia 23	502
Name(s) of business owner(s)* Noodles & Com	npany, Inc	
Name(s) of property owner(s)* Index Real Estate	e- Greg Lyons is	s our contact
Daytime telephone number(  561  ) 624-4089		
*If business or property owner is partnership, a *If business or property owner is an LLC or Co		
Proposed Hours of Operation:		
Facility Weekday From 10:30 AM To 9:00 PM	Alcoholic Be Weekday	everage Sales From 10:30 AM To 9:00 PM
Friday From 10:30 AM To 10:00 PM	Friday	From [10:30 AM To   10:00 PM
Saturday From 11:00 AM To 10:00 PM	Saturday	From 11:00 AM To 10:00 PM
Sunday From 11:00 AM To 9:00 PM	Sunday	From 11:00 AM To 9:00 PM
2. Type of ABC license applied for (check all a  ☐ On-Premises ☐ Off-Premises (a	10.0 (10.0 cm)	10
3. Type of alcoholic beverage applied for ☐ Beer ☐ Wine ☐ Mixed Bev	verage	
<ol> <li>Will indoor or outdoor entertainment be prove (Entertainment consists of anything more th</li></ol>		nplified musician)

## DEPARTMENT OF CITY PLANNING

## Exhibit A – Page 2 Eating and Drinking Establishment

5.	Will video games, pool tables, game boards or other types of games be provided?  ☐ Yes (If more than 4, additional application required) ☐ No
	5a. If yes, please describe type and number of each game to be provided
6.	Will patrons ever be charged to enter the establishment? □ Yes □ No
	6a. If yes, why
	6b. Which days of the week will there be a cover charge (circle all applicable days)?
	□Monday □Tuesday □Wednesday□Thursday □Friday
	□Saturday □Sunday
7.	Will the facility or a portion of the facility be available for private parties?  I Yes INO
	7a. If yes, explain
8.	Will a third party (promoter) be permitted to lease, let or use the establishment? ☐ Yes ☐ No
	8a. If yes, explain
9.	Will there ever be a minimum age limit?
	☐ Yes ☐ No

## DEPARTMENT OF CITY PLANNING

Exhibit A – Page 3 Eating and Drinking Establishment
10. Additional comments/ description/operational characteristics or prior experience:
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility
Adam
Signature of Applicant

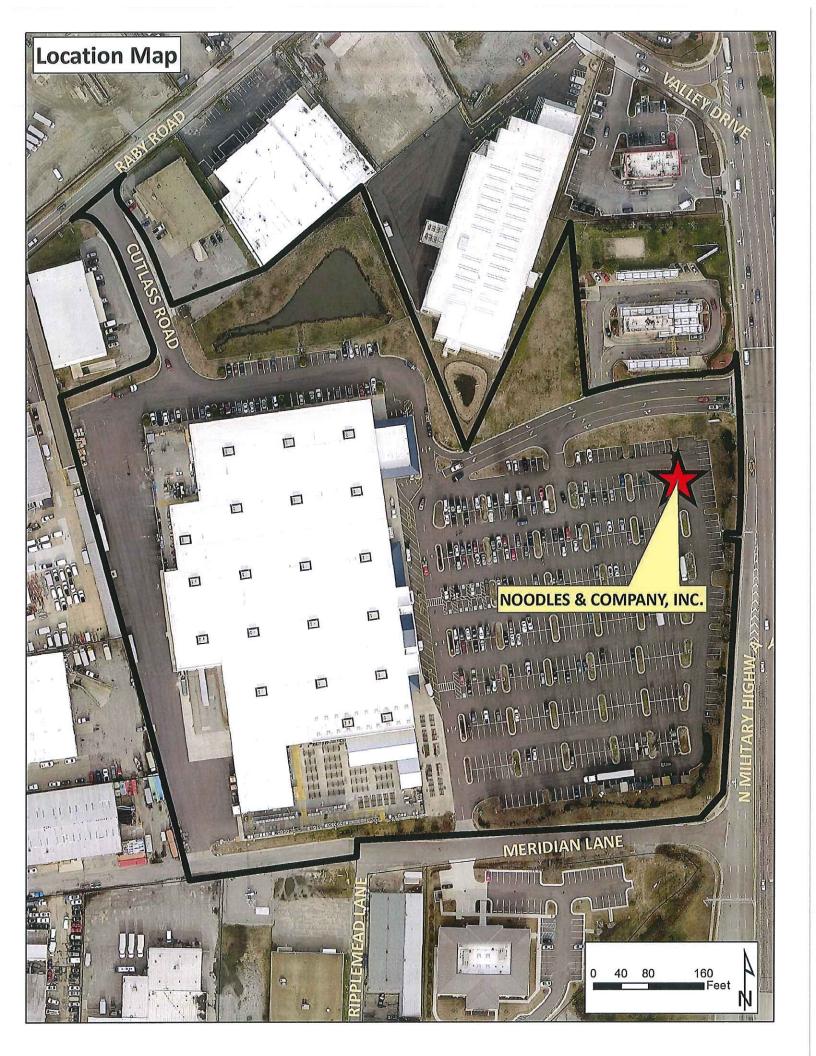
## Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

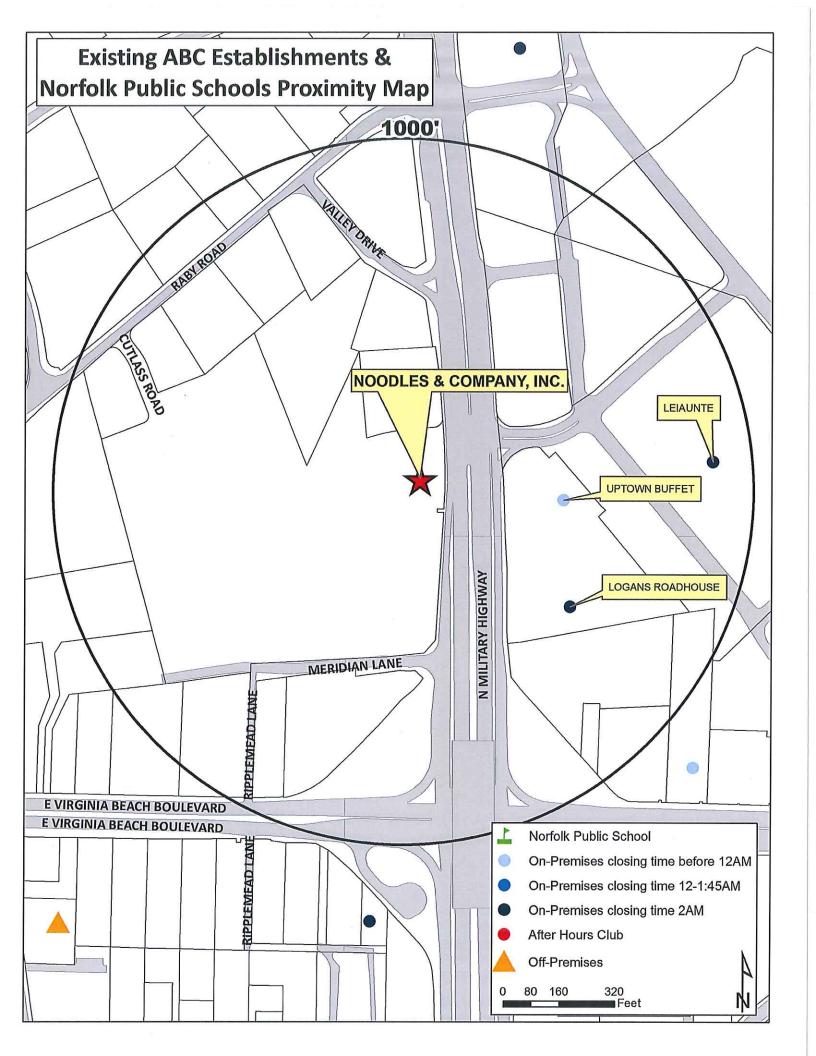
- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - o Tables/seats
  - Restroom facilities
  - o Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - o Total maximum capacity (including employees)

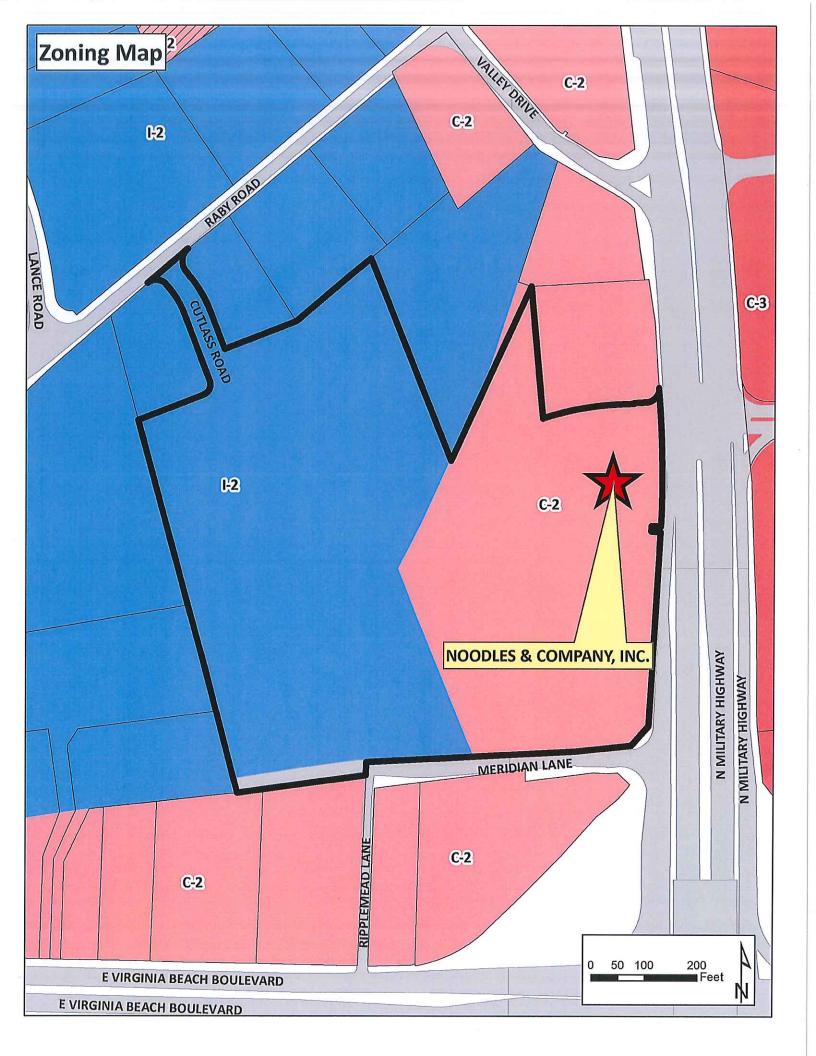
#### Total capacity

a.	Indoor Number of seats (not including bar seats) Number of bar seats Standing room	72 0 27
b.	Outdoor Number of seats	24
c.	Number of employees	10
	Occupancy	=133

#### DEPARTMENT OF CITY PLANNING









# APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 12.11.15
DESCRIPTION OF PROPERTY
Address 1081 N. Military Highway (unit number TBD) Norfolk, VA 23502
Existing Use of Property Parking Lot
Proposed Use Fast Casual Restaurant
Current Building Square Footage N/A
Proposed Building Square Footage 2550
Trade Name of Business (if applicable) Noodles & Company, Inc
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners
1. Name of applicant: (Last) Adamson (First) Shannon (MI) G
Mailing address of applicant (Street/P.O. Box): 520 Zang St Ste D
(City) Broomfield (State) CO (Zip Code) 80021
Daytime telephone number of applicant ([303]) 522-8303 Fax ([)
E-mail address of applicant: sadamson@noodles.com

## **DEPARTMENT OF CITY PLANNING**

Application
Eating and Drinking Establishment
Page 2

AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)	
2. Name of applicant: (Last) Bishop (First) Michael (MI)	
Mailing address of applicant (Street/P.O. Box): 4300 S. US Highway 1, Suite 203-305	
(City) Jupiter (State) Florida (Zip Code) 33477	
Daytime telephone number of applicant (561 312-1024 Fax (	
E-mail address of applicant: mbishop@indexrealestate.com	
PROPERTY OWNER  (If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partner	rs)
3. Name of property owner: (Last)Lyon (First) Greg (MI)	
Mailing address of property owner (Street/P.O. box): 4300 S. US Hwy One, Ste 203	
(City) Jupiter (State) FL (Zip Code) 33477	
Daytime telephone number of owner ([561]) 624-4089 email: glyon@indexrealestate.com	
CIVIC LEAGUE INFORMATION	
Civic League contact: N/A	
Date(s) contacted:	
Ward/Super Ward information:	

## **DEPARTMENT OF CITY PLANNING**

CERTIFICATION
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Market Diddo Sign: 12 14 2015
(Property Owner or Authorized Agent of Signature)

Print name: Shannon Adamson Sign: 12 11 1 1 S

(Applicant)

ONLY NEEDED IF APPLICABLE:

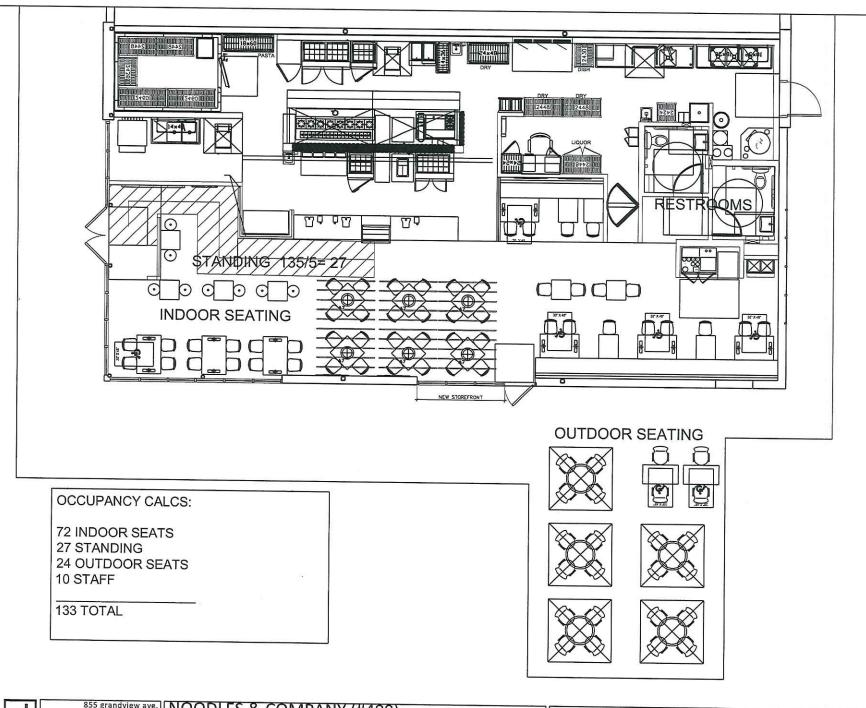
Print name: Sign: Sign: (Date)

Application

Page 3

**Eating and Drinking Establishment** 

#### **DEPARTMENT OF CITY PLANNING**



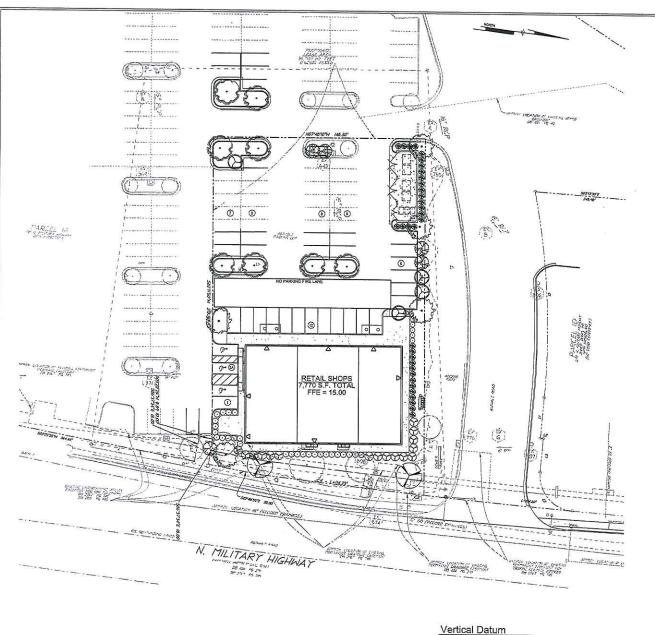


855 grandview ave. suite 295 columbus, ohio 43215 tel: 614.487.8770

fax: 614.487.8777

NOODLES & COMPANY (#488)

1081 N Military Hwy Norfolk, VA 23502



SYMBOL	GIA	BOTANICAL & COMUON PLANT NAME	522	COMMENTS
LARGE TREES				- Description
" (	)	Casanus caratmana (Arredicas Heradicam)	Nin. WHL Mrs. 2,5" Caliper	
or &.	3	Osiercus Photos (Willow Oak)	Nin. 5'10, Mrs. 2.5" Caliper	
" O	<b>)</b>	Ulmus parvileta "Berque" (Berque Elm)	Mic. 5" Hi. Mo. 2.5" Celiper	
MEDIUM DECID	UOUS TREE	3		
E (C)	,	Gerda Canadema's Forest Ponsy (Forest Pansy Redmit)	Mn, 8'HL Mn. 2,1" Culper	
" B	,	Legeralreema indica "Turkegge" (Tunkegge Crape Mydle)	Nio. EHL Mn. 2.5" Calper	
SHRUBS	100			
IC (2)	17	liex crencia 'Robertilisia' (Roundeul Japanese Hully)	SC14, min.	
10 0	18	New glaters 'sharmook' (relaberry)	16" Ht. min.	
W .	32	Size warmfreis "Noma" (Dworf Yaypen Hoty)	36" Hi, etn.	
ND Q	10	Nandina domeston Tiropowor (Fireposor Heavenly Sentine)	32" to 35" HL	
PERENNALS /	PASSES / C	ROUNDCOVERS	-	
LM ·	6	Lidope marced 'Big Blair' (Lify Tort)	24 Pack Flat	
L2 0		Liabin epicate (Caylnather)	et Cantalour	

DESCRIPTION	SP	ACES
DESCRIPTION	REQUIRED	PROVIDE
TOTAL SPACES	44	53
STANDARD SPACES	50	50
ACCESSIBLE SPACES	3	3
(Suburban), from the Zonleg Socilon of Norfolk's Municip Commercial uses; 1 per 250 SO, FT 3,000 S.F. / 250 * Eating/Entertainment Establishment Use; 1 per 150 SQ, F	12 Stalls	
(Suburban), from the Zoning Section of Norfolk's Municip Commercial uses: 1 per 250 SQ, FT, +3,000 S.F, / 250 =	al Code: *12 Stalls FT 4,700 S.F. / 150 = 32 S ccussible) \$11-75 parking spaces \$2.5.F 7,300 S.F. / 2,000 =	ials 4 Bicycle





Project # Scale Designed by: Drown by: Checked by: Issue:

10NCI501 1" = 20" 5L5 5L5 9L5 85C 11.09.2015

**1081 MILITARY HIGHWAY** RETAIL SHOPS

LANDSCAPE PLAN Sheet Number

**CS2001** 

Pennoni

PENNONI ASSOCIATES INC. 349 Southport Circle, Sulte 100 Virginia Beach, VA 23452 T 757.497.7472 F 757.497.0250

Graphic Scale

NOT APPROVED FOR CONSTRUCTION

ELEVATIONS ARE BASED ON NAVDBB(88)

## Richards, Sarah

From:

Straley, Matthew

Sent:

Wednesday, February 10, 2016 12:15 PM

To:

Poplarhallcivicleague@yahoo.com

Cc:

Riddick, Paul; Williams, Angelia M.; Howard, Oneiceia; Richards, Sarah

Subject:

new Planning Commission application - 1081 N Military Highway

**Attachments:** 

Noodles.pdf

Mr. Rawls,

Attached please find the application for a special exception to operate an eating and drinking establishment at 1081 North Military highway.

The item is tentatively scheduled for the March 24, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov

Thank you.

Matthew Straley GIS Technician II



City Planning 810 Union Street, Suite 508 Norfolk, VA 23510 757-664-4769

Connect with us:

www.norfolk.gov





